

BEFORE THE
MISSOURI REAL ESTATE COMMISSION

In the matter of the application of)
)
 Jeri R Dall)
)
 Applicant)

**ORDER OF THE MISSOURI REAL ESTATE COMMISSION
REGARDING ISSUANCE OF A PROBATED REAL ESTATE
SALESPERSON LICENSE TO JERI R DALL**

The Missouri Real Estate Commission (MREC) hereby issues its ORDER granting a PROBATED real estate salesperson license to Jeri R Dall (Dall) pursuant to the provisions of § 324.038 RSMo¹. As set forth in § 324.038 RSMo, Dall may submit a written request for a hearing to the Administrative Hearing Commission seeking review of the MREC's decision to issue a probated real estate salesperson license. Such written request must be filed with the Administrative Hearing Commission within 30 days of the date of delivery or mailing by certified mail of this Order. The written request should be addressed to the Administrative Hearing Commission, Room 640, Truman State Office Building, P O Box 1557, Jefferson City, Missouri 65102-1557. If no written request for review is filed with the Administrative Hearing Commission within the 30 day period, the right to seek review of the MREC's decision shall be considered waived.

¹ All statutory references are to the Revised Statutes of Missouri, as amended, unless otherwise indicated.

FINDINGS OF FACT

Based upon the foregoing the MREC hereby states

1 The MREC is an agency of the State of Missouri created and existing pursuant to § 339.120 RSMo for the purpose of executing and enforcing the provisions of § 339.010 to 339.205 and § 339.710 to 339.860 RSMo and the regulations promulgated thereunder relating to real estate salespersons and brokers

2 Dall is a natural person residing at the address of 3199 Purvis Road Sunrise Beach Missouri 65079

3 On or about May 4, 2012, the MREC received Dall's application for a real estate salesperson license (Application)

4 On her Application, question 4.13, Dall was asked if she had been finally adjudicated and found guilty or entered a plea of guilty or nolo contendere in a criminal prosecution in this state or any other state or of the United States, whether or not sentence was imposed? **NOTE: This includes Suspended Imposition of Sentence, Suspended Execution of Sentence, and alcohol related offenses, i.e. DWI and BAC.** Dall responded YES to question 4.13.

5 On or about March 2, 2004, in Case No. CR04-30, Dall pled guilty in the District Court of Cass County, Nebraska, to the crime of Manufacturing A Controlled Substance, Methamphetamine, a class IV felony.

6 On or about December 13 2004 in Case No CR04 30 the Court sentenced
Dall to one year in the custody of the Nebraska Department of Corrections She was
given credit for time served and was also ordered to pay court costs

7 On or about January 25 2005 in Case No CR04 92 Dall pled guilty in the
District Court of Cass County Nebraska to the crime of Possession of A Controlled
Substance Methamphetamine a class IV felony

8 On or about January 25 2005 in Case No CR04 92 the Court combined the
sentenced of this case with case CR04 30

9 The crimes of Manufacturing A Controlled Substance and Possession of A
Controlled Substance are offenses of which an essential element is fraud dishonesty or
an act of violence and/or is a crime involving moral turpitude and the commission of
these crimes demonstrate a lack of regard for the health safety and welfare of the
public

10 The crimes of Manufacturing A Controlled Substance and Possession of A
Controlled Substance are offenses reasonably related to the qualifications functions
and duties of a real estate salesperson

II

CONCLUSION OF LAW

11 As a result of the conduct identified in Section I herein cause exists for the
MREC to deny Dall's application for a real estate salesperson license pursuant to
§ 339 080 1 RSMo which provides The commission may refuse to examine or issue

a license to any person known by it to be guilty of any of the acts or practices specified in subsection 2 of section 339 100

12 As a result of the conduct identified in Section I herein cause exists for the MREC to deny Dall s application for a real estate salesperson license pursuant to the provisions of § 339 100 2(16) (18) and (19) RSMo which state

(2) The commission may cause a complaint to be filed with the administrative hearing commission as provided by the provisions of chapter 621 RSMo against any person or entity licensed under this chapter or any licensee who has failed to renew or has surrendered his or her individual or entity license for any one or any combination of the following acts

(16) Committing any act which would otherwise be grounds for the commission to refuse to issue a license under section 339 040

(18) Been finally adjudicated and found guilty or entered a plea of guilty or nolo contendere in a criminal prosecution under the laws of this state or any other state or of the United States for any offense reasonably related to the qualifications functions or duties of any profession licensed or regulated under this chapter for any offense an essential element of which is fraud dishonesty or an act of violence or for any offense involving moral turpitude whether or not sentence is imposed

(19) Any other conduct which constitutes untrustworthy improper or fraudulent business dealings demonstrates bad faith or incompetence misconduct or gross negligence

13 Section 339 040 1 RSMo provides that licenses shall be issued only to persons of good moral character who bear a good reputation for honesty integrity and fair

dealing and who are competent to transact the business of a real estate salesperson in a manner so as to safeguard the public's interest

14 As a result of the criminal conduct identified in Section I herein Dall has engaged in conduct and has pleaded guilty to crimes that adversely affect her moral character her reputation and her fitness and qualifications to practice as a real estate salesperson

15 As an alternative to refusing to issue a license the MREC may at its discretion issue a license subject to probation pursuant to § 324.038.1 RSMo which provides

Whenever a board within or assigned to the division of professional registration including the division itself when so empowered may refuse to issue a license for reasons which also serve as a basis for filing a complaint with the administrative hearing commission seeking disciplinary action against a holder of license the board as an alternative to refusing to issue a license may at its discretion issue to an applicant a license subject to probation

16 The MREC issues this Order in lieu of denial of Dall's application for a real estate salesperson license The MREC has determined that this Order is necessary to ensure the protection of the public

III

TERMS AND CONDITIONS

17 Based on the foregoing the Missouri real estate salesperson license issued to Dall is subject to the following terms and conditions

18 Dall's license is on probation for one year Dall's real estate salesperson license is hereby placed on PROBATION for a period of ONE YEAR from the effective date of this Order During the period of probation on her real estate salesperson

license Dall shall be entitled to practice as a real estate salesperson provided she adheres to all the terms stated herein The period of probation shall constitute the disciplinary period

19 **Terms and conditions of the disciplinary period** Terms and conditions of the disciplinary period are as follows

A Dall s license shall remain affiliated with Shoreline Realty Inc Should Dall terminate her affiliation with Shoreline Realty Inc Dall shall be prohibited from affiliating with any other licensee without prior approval from the Commission

B Dall shall keep the MREC apprised at all times in writing of her current address and telephone number at each place of residence and business Dall shall notify the MREC in writing within ten days of any change in this information

C Dall shall timely renew her Missouri real estate salesperson license timely pay all fees required for license renewal and comply with all other requirements necessary to maintain her license in a current and active state

D Dall shall meet in person with the MREC or its representative at any such time and place as required by the MREC or its designee upon notification from the MREC or its designee Said meetings will be at the MREC s discretion and may occur periodically during the probation period

E Dall shall immediately submit documents showing compliance with the requirements of this Order to the MREC when requested by the MREC or its designee

F During the probationary period Dall shall accept and comply with unannounced visits from the MREC's representatives to monitor compliance with the terms and conditions of this Order

G If at any time within the disciplinary period Dall changes residence from the State of Missouri ceases to be currently licensed in Missouri under the relevant provisions of Chapter 339 RSMo as amended fails to timely pay all fees required for license renewal or fails to keep the MREC advised of all current places of residence and business the time of absence unlicensed status delinquency in paying fees for license renewal or unknown whereabouts shall not be deemed or taken as any part of the disciplinary period

H Dall shall comply with all relevant provisions of Chapter 339 RSMo as amended all rules and regulations of the MREC and all local state and federal laws State as used herein refers to the State of Missouri and all other states and territories of the United States

20 Upon the expiration and successful completion of the disciplinary period Dall's real estate salesperson license shall be fully restored if all other requirements of the law have been satisfied provided however that in the event the MREC determines that Dall has violated any term or condition of this Order the MREC may in its discretion after an evidentiary hearing vacate and set aside the discipline imposed herein and may suspend revoke or otherwise lawfully discipline Dall's real estate salesperson license

21 No order shall be entered by the MREC pursuant to the preceding paragraph of this Order without notice and an opportunity for hearing before the MREC in accordance with the provisions of Chapter 536 RSMo

22 If the MREC determines that Dall has violated a term or condition of this Order which violation would also be actionable in a proceeding before the Administrative Hearing Commission or the circuit court the MREC may elect to pursue any lawful remedies or procedures afforded it and is not bound by this Order in its determination of appropriate legal actions concerning such violation

23 If any alleged violation of this Order occurs during the disciplinary period the MREC may choose to conduct a hearing before it either during the disciplinary period or as soon thereafter as a hearing can be held to determine whether a violation occurred and if so may impose further disciplinary action The MREC has continuing jurisdiction to hold a hearing to determine if a violation of this Order has occurred

24 The MREC will maintain this Order as an open and public record of the MREC as provided in Chapters 339 610 and 324 RSMo

SO ORDERED AND EFFECTIVE THIS 15TH DAY OF October 2012



Janet Carder Executive Director
Missouri Real Estate Commission